

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ANTWAIN PORTER,

Plaintiff,

v.

Civ. Action No. 2:19-CV-5
(Kleeh)

DHHR BEHAVIORAL HEALTH,
Sharpe Hospital,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 15] AND
DISMISSING COMPLAINT WITHOUT PREJUDICE

On January 16, 2019, the pro se Plaintiff, Antwain Porter ("Plaintiff"), filed a Complaint in this action. Pursuant to 28 U.S.C. § 636 and the local rules, the Court referred the case to United States Magistrate Judge Michael J. Aloï (the "Magistrate Judge") for review.

On June 24, 2019, the Magistrate Judge entered a Report and Recommendation ("R&R"), recommending that the Court dismiss the Complaint without prejudice due to failure to prosecute. See ECF No. 15. Plaintiff accepted service of the R&R on June 27, 2019. See ECF No. 16. To date, no objections have been filed.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's

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recommendations" to which there are no objections. Dellarciroprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 15]. The Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. This action is **STRICKEN** from the Court's active docket.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to the pro se Plaintiff via certified mail, return receipt requested, at the last known address as shown on the docket.

DATED: January 19, 2022

/s/ Thomas S. Kleeh
THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE